

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MASSACHUSETTS

Civil Action File No. _____

FILED
IN CLERKS OFFICE

2004 OCT -1 P 12:52

GAYLE L. BAILEY,
Plaintiff

vs.

UNITED STATES OF AMERICA,
Defendant

04-12101-NG
U.S. DISTRICT COURT
DISTRICT OF MASS.
COMPLAINT

MAGISTRATE JUDGE RBC
I.

RECEIPT # 59021
AMOUNT \$ 150.00
SUMMONS ISSUED 1
LOCAL RULE 4.1 _____
WAIVER FORM _____
NOT ISSUED 2671 et. seq.,
BY DEPT. CLERK M.P.
DATE 10/1/04

This action arises under the Federal Tort Claims Act, 28 U.S.C. § 2671 et. seq., and this Court has jurisdiction under the provisions of 28 U.S.C. § 1346(h).

II.

The plaintiff, Gayle L. Bailey, is an individual residing at 47 Camden Street, Methuen, Essex County, Massachusetts and the cause of action on which this action is based arose in the City of Lowell, Middlesex County, Massachusetts. Thus, venue is properly laid in this Court.

III.

On or about March 12, 2002, the plaintiff was operating a 1999 Nissan Van in a northerly direction at the intersection of High and East Merrimack Streets, in Lowell, Massachusetts. At the same time, Melissa Parent was operating a 2000 Dodge automobile registration number G10-08021 owned by the United States Navy in an easterly direction on East Merrimack Street in said Lowell

IV.

The Bailey vehicle and the Parent vehicle collided at the intersection of High and East Merrimack Streets causing extensive damage to the Bailey vehicle.

V.

Melissa Parent, the operator of the vehicle owned by the United States Navy was negligent in failing to keep a proper lookout and in failing to take reasonable avoidance action, or any action whatsoever, after she saw the Bailey vehicle in the intersection, and then otherwise failed to act prudently under the circumstances, all of which negligence and carelessness constituted the proximate cause of the collision.

VI.

As a direct result of the accident, the plaintiff sustained injuries to her neck and left shoulder requiring surgery to alleviate the pain.

VII.

As a proximate result of these injuries, plaintiff has endured and will continue to endure, great pain and suffering and mental anguish.

VIII.

Plaintiff has expended, and will continue to expend, large sums for medical expenses.

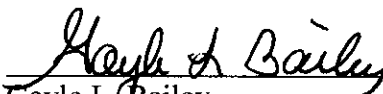
IX.

On March 2, 2004, plaintiff submitted her claim, in the amount of \$100,000.00 to the United States Navy. On April 8, 2004, such claim was rejected by the United States Navy.

WHEREFORE, plaintiff demands judgment against defendant, United States of America, as follows:

1. The sum of \$100,000.00 for plaintiff for past and future medical expenses, lost wages, loss of future wages, and pain and suffering.
2. Costs in this action.
3. Such other relief as the Court may deem proper.

Gayle L. Bailey
Pro se



Gayle L. Bailey
47 Camden Street
Methuen, MA 01844

September 21, 2004